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The court in the principal case is clearly correct in this interpretation. See *Words and Phrases* (2d ser. 1914) 412. The result, however, is to be regretted. Since the public service corporation has the power to become a voluntary bankrupt, the court has no discretion to inquire into the motives of the proceeding. *In re Carthage Lodge* (1916, D. N. Y.) 230 Fed. 694. Nor is it essential that the corporation be insolvent. *In re Foster Paint & Varnish Co.* (1914, D. Tenn.) 210 Fed. 652. Consequently, public service corporations have the power to avoid their public duties by becoming bankrupt. It is suggested that the situation should be remedied by proper legislative enactment.

CARRIERS—PROTECTION OF PASSENGER FROM POLICE.—Prohibition officers, under an illegal warrant, forced the plaintiff passenger to leave the defendant's train and expose his liquor to an examination to determine whether or not the containers were labelled according to law. None of the train crew attempted to prevent the plaintiff from being ejected, nor did they inquire into the authority of the officers, whom they knew to be such. The plaintiff brought an action on the case. *Held*, that he should not recover. *Clark v. Norfolk and Western Ry.* (1919, W. Va.) 100 S. E. 480.

The court based its decision on the ground that the defendant was under a duty to the state not to interfere with known officers of the law acting under color of authority, and also that the defendant was privileged, even against its passengers, not to inquire into the legality of the officers' acts. These grounds accord with the authorities. The negation of the carrier's duty to protect the passenger in such a situation is an exception to the law of carriers. The general rule is that the carrier is under a duty to protect the passenger from insult or injury caused by its own servants, by other passengers, or by intruders, where the danger is known, or is reasonably ascertainable, and can be prevented by the exercise of due care. *Stewart v. Brooklyn and Crosstown R. R.* (1882) 90 N. Y. 588; see *Gillingham v. Ohio River R. R.* (1891) 35 W. Va. 588, 592, 14 S. E. 243, 245. There has been some tendency to hold that this exception does not apply where the carrier knows the arrest is illegal, that in such case it is under a duty to protect the passenger from the officer. *Anania v. Norfolk and Western Ry.* (1915) 77 W. Va. 105, 87 S. E. 167; see *Burton v. New York Central etc. R. R.* (1911) 147 App. Div. 557, 564, 132 N. Y. Supp. 628, 634; see *Louisville and Nashville R. R. v. Byrley* (1913) 152 Ky. 35, 40, 153 S. W. 36, 39. And this is because an officer acting without authority comes within the class of tortfeasors, against whom the carrier undertakes to protect the passenger by the contract of transportation. See *Weeks v. N. Y., N. H. & H. R. R.* (1878) 72 N. Y. 50, 59. But, in general, the carrier is held liable only when it has assisted in the arrest. *Brunswick and Western R. R. v. Ponder* (1903) 117 Ga. 63, 43 S. E. 430. In such cases its liability would seem to be based on the ground that it is a joint tortfeasor, instead of upon breach of its contractual duty. There is a difference of opinion as to what constitutes assistance on the part of the carrier, whether it must instigate the arrest or merely point out the person sought. See *Texas Midland R. R. v. Dean* (1905) 98 Tex. 517, 522, 85 S. W. 1135, 1137; see *Owens v. Wilmington & Weldon R. R.* (1900) 126 N. C. 139, 141, 35 S. E. 259, 260. There being no active assistance in the instant case, there was no question of tortfeasance; and the majority of the courts find no breach of contract in mere failure to protect a passenger against an officer of the law.

CORPORATIONS — BY-LAWS — RESTRICTION ON TRANSFER OF STOCK.—Three brothers, co-partners, formed a corporation to carry on their business, and caused all the stock to be issued to themselves and their wives. The certificate